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OFFICE OF THE
EXECUTIVE SECRETARY

May 24, 2002

VIA HAND DELIVERY

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: Complaint of Michael VanWies Against CenturyTel of Ooltewah-Collegedale, Inc., TRA Docket No. 02-00058

Dear Mr. Waddell:

Enclosed please find the original and 13 copies of the Request for Discovery from CenturyTel to Michael Van Wies to be filed on behalf of CenturyTel of Ooltewah-Collegedale, Inc. in the above-referenced docket. Also enclosed is an additional copy of the Request for Discovery, which I would appreciate your stamping as "filed," and returning to me by way of our courier.

Should you have any questions with respect to this filing, please do not hesitate to contact me.

Very truly yours,



R. Dale Grimes

RDG/gci
Enclosures

cc: Mr. Michael Van Wies (via Federal Express & regular mail)
Ms. Susan Smith

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May 24, 2002

VIA FEDERAL EXPRESS
& REGULAR MAIL

Mr. Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627

Re: Complaint of Michael VanWies Against CenturyTel of Ooltewah-Collegedale, Inc., TRA Docket No. 02-00058.

Dear Mr. Van Wies:

Enclosed please find the Request for Discovery from CenturyTel to you. Part I - "Definitions and Instructions" of the Request for Discovery provides detailed instructions on how to respond to the requests and it defines several terms that are used throughout the Request for Discovery. Such defined terms include: "Petition," "relate to," "identify," "set forth," "document," "communication," and "person." These terms are defined because they have meanings beyond what might be obvious. These definitions are designed to assist you in fully and completely responding to the Request for Discovery. We request that you refer back to Part I each time you see any of these terms so that your responses are complete.

We also request you to respond using the greatest amount of specificity possible and to label your responses as set forth in Part I. The use of proper labeling and identification techniques will help everyone to better understand each of your responses and will enable each of us to refer to your responses with specificity.

If you have any questions about the meaning or scope of any term, request, or instruction, please contact me.

Very truly yours,



R. Dale Grimes

RDG/gci
Enclosure

cc: Mr. K. David Waddell
Ms. Susan Smith

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**COMPLAINT OF MICHAEL VANWIES
AGAINST CENTURYTEL OF
OOLTEWAH-COLLEGE DALE, INC.**

Docket No. 02-00058

REQUEST FOR DISCOVERY FROM CENTURYTEL TO MICHAEL VAN WIES

Century-Tel of Ooltewah-Collegedale, Inc. ("CenturyTel") serves these Interrogatories, Requests for Admission, and Requests for Production on Michael Van Wies ("Petitioner"), and asks that Petitioner provide an answer to each Interrogatory and Request separately, fully, in writing and under oath before a notary public. Petitioner is also called upon to produce all documents and evidence requested herein. Furthermore, Petitioner is called upon to fulfil his duty to supplement his answers as far in advance of the beginning of any hearing as is reasonably possible if it is learned that any response is in any material respect incomplete, incorrect or has changed and if the additional, changed or misleading information has not otherwise been expressly made known in writing to the CenturyTel during the discovery process.

I. DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms, "Petitioner", "you" or "your" shall mean Michael Van Wies, or his agents or representatives.
2. As used hereinafter, the terms, "CenturyTel" shall mean Century-Tel of Ooltewah-Collegedale, Inc, ("CenturyTel") its predecessors, successors, parents, subsidiaries,

affiliates, departments, divisions, directors, officers, employees, shareholders, agents and representatives.

3. As used herein, the term "Petition" shall refer to Petitioner's complaint filed before the Tennessee Regulatory Authority ("TRA") on January 15, 2002 and styled "Petition to Permanently Revoke Certificate of Public Necessity to Operate a Telecommunications Company & Related Services for CenturyTel of Ooltewah-Collegedale, Inc. DBA CenturyTel Corporation, Inc., LLC, 100 CenturyTel Drive, Monroe, LA 71203, 318-388-9000" and any amendments, supplements, or subsequent filings related thereto.

4. "Document" or "documents" or "documentation" refers to all written, reported, recorded or graphic matter (including all drafts, originals and nonconforming copies that contain deletions, insertions, handwritten notes or comments, and the like) however produced or reproduced to any tangible or intangible, permanent or temporary record and, without limitation, shall include the following: all letters, correspondence, records of conferences or meetings, memoranda, notes, printed electronic mail ("e-mail"), telegrams, telephone logs, teletypes, telexes, banking records, notices of wire transfer of funds, canceled checks, books of account, budgets, financial records, contracts, agreements, invoices, speeches, transcripts, depositions, press releases, affidavits, communications with government bodies, interoffice communications, working papers, newspaper or magazine articles, computer data, tax returns, vouchers, papers similar to any of the foregoing, and any other writings of every kind and description (whether or not actually used) and any other records from which information can be obtained and translated into reasonably usable form, including without limitation, e-mail, voice recordings, video and audio recordings, photographs, films, tapes and other data compilations.

5. As used herein, the term "communications" means any utterance, notation or statement of any nature whatsoever, by and to whomever made, including, but not limited to correspondence, e-mail (whether or not it currently exists in printed form), conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings between and among two (2) or more persons, whether made orally, by document, made face to face, or made by telephone, mail, personal delivery or otherwise.

6. Documents or communications that "relate to" or which are "in connection with" a given subject, mean any document or communication that constitutes, contains, embodies, comprises, reflects, identifies, states, refers to, deals with, comments on, responds to, describes, analyzes or is in any way pertinent to that subject, including without limitation documents concerning the presentation of other documents.

7. "Identify" or "Set forth" means:

- (a) As to a person: name, business and resident address(es), occupation, job title, and date so employed; and, if not an individual, state the type of entity and the address of its principal place of business;
- (b) As to a document: the type of document (letter, memo, etc.), the identity of the author or originator, the date authored or originated, the identity of each person to whom the original or copy was addressed or delivered, the identity of such person known or reasonably believed by you to have possession, custody or control thereof, and a brief description of the subject matter thereof, all with sufficient particularity to request its production under this arbitration proceeding.

- (c) As to a communication: the date of the communication, the type of communication (telephone conversation, meeting, etc.), the place where the communication took place, the identity of the person who made the communication and of each person present when it was made, and the subject matter discussed;
- (d) As to a meeting: the date of the meeting, the place of meeting, each person invited to attend, each person who attended, and the subject matter discussed.

8. If you are unable to answer any interrogatory fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such interrogatory as fully and completely as you can and to specify the portions which you are unable to answer in such interrogatory. In addition to specifying those portions, you are to state with regard to such portion:

- (a) the facts on which you base the contention that you are unable to answer that portion;
- (b) the knowledge, information, and belief you have concerning that portion;
- (c) the acts done and inquiries made by you in attempting to answer such interrogatory.

9. The words "person" or "persons" means any and all individuals and entities and shall be deemed to include natural persons, firms, partnerships, associations, organizations, joint ventures, corporations, and any other business or legal entities.

10. With respect to each document or communication required to be identified which you presently contend is not required to be disclosed because of any privilege or work product doctrine, in addition to the document or communication identification called for above;

- (a) identify each person who was present when the document or communication was prepared or made and who has seen or has knowledge of the substance of such document or communication;
- (b) identify every other document which refers to or discusses the contents of such document;
- (c) state the nature of the privilege asserted (e.g., attorney-client, self-incrimination, work-product, etc.); and
- (d) identify all facts, statutes, or rules which Defendant contends supports the assertion of such privilege.

11. With regard to the Requests for Admissions, if you are unable to admit or deny each statement fully and completely after exercising due diligence to make inquiry and to secure information, you are to admit or deny such statement as fully and completely as you can and to specify the portions which you are unable to admit or deny. In addition to specifying those portions, you are to set forth with regard to such portion(s):

- (a) the facts on which you base the contention that you are unable to answer that portion;
- (b) the knowledge, information, and belief you have concerning that portion;
- (c) the acts done and inquiries made by you in attempting to fully respond.

12. In all of your responses to this Request for Discovery, identify the questions to which your responses are responding (e.g., "Answer to Interrogatory 6(b)" or "Response to

Request for Admission No. 5"). Also, to the extent that any one of your responses supports, refers to, addresses, or relates to any of your claims and/or portion(s) of your Petition, set forth and cite to exactly what portion of your Petition or to which claim such response so supports, refers to, addresses, or relates to by stating as follows:

- (a) *Regarding your claims:* state the claim number using the system of numbering to identify each of your separate claims used in CenturyTel's Motion to Dismiss;
- (b) *Regarding Other Portions of your Petition:* state the date that that document was filed with the TRA, the page number, the paragraph, and the line number.

In your production of documents and evidence, label each document and item of evidence stating which Interrogatory or Request Number to which it is responsive (e.g., "Responsive to Interrogatory No. 3(c)" or "Responsive to Request for Production No. 7"). Furthermore, in every instance in which you believe that a produced document or item of evidence supports one of the claims you intend to pursue against CenturyTel, using the method set forth in subparts (a) and (b) above, label each such document or item of evidence indicating exactly to which portion of your Petition and/or to which claim such document or item of evidence pertains (e.g. "Supports Claim # 2" or "Supports the statement I made in the first sentence of the last paragraph of Page 1 of my January 15, 2002 Petition filing").

II. INTERROGATORIES

INTERROGATORY NO. 1:

In your Petition you use the terms “we”, “the community,” “some consumers” or other pronouns or phrases which suggest the plural. In every instance in your Petition in which you are referring to anyone other than just Michael Van Wies, identify (see definition of “identify” in Section I above) every person to whom you are so referring, making sure to set forth the page number, paragraph number, and line(s) you are explaining. If your definition of the word “we,” “the community,” “some consumers” or any other word or phrase suggesting anyone other than Micheal Van Wies, differs or changes throughout your Petition, so state and identify whom you are referring to with each usage or definition, making sure to identify each paragraph you are explaining by citing to the page, paragraph number and line where each definition applies. Also state what authority, if any, you have to represent such persons before the TRA. Provide copies of any documents and communications that support your claim(s) to represent such persons.

ANSWER:

INTERROGATORY NO. 2:

Identify every claim which you still intend to pursue against CenturyTel using the paragraph numbers used in CenturyTel’s motion to dismiss.

ANSWER:

INTERROGATORY NO. 3:

For *each and every* claim that you still intend to pursue as stated in your answer to Interrogatory No. 2 above (and using the same numbering system as in Interrogatory No. 2 above):

- (a) set forth every fact that supports each such claim;
- (b) identify every person (by name, address, and telephone number) who witnessed, was present at, or was involved in any event or occurrence described in any such claim you are maintaining;
- (c) produce any and all documents or evidence of any kind that supports each claim; and label each such item of documentation or evidence as set forth immediately above and in the Instructions section;
- (d) cite the legal authority or basis, if any, that indicates that the TRA has jurisdiction and authority to grant you the relief you seek;

ANSWER:

INTERROGATORY NO. 4

Identify all persons, not already identified in your answers above, who have knowledge of facts which support, negate or otherwise relate to the allegations or claims you are maintaining.

ANSWER:

INTERROGATORY NO. 5

Set forth your education and experience in the telecommunications industry or field and your employment history; for each employer:

- (a) set forth the reasons for your separation from employment;
- (b) identify your immediate supervisor(s).

ANSWER:

INTERROGATORY NO. 6

Set forth every instance within the last ten years in which you have sought and been denied employment or a position in the telecommunications, cable, TV, internet or utilities industries. Identify:

- (a) the dates such employment or positions were sought;
- (b) the dates such employment or positions were denied to you;
- (c) the companies with whom you sought positions or employment;
- (d) the persons with whom you communicated;
- (e) the stated bases for such decisions;
- (f) the bases you believe for such rejections.

ANSWER:

INTERROGATORY NO. 7

Identify each person whom you expect to call as an expert witness at any hearing in this case, and for each such expert witness:

- (a) identify the field in which the witness is to be offered as an expert;
- (b) provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history, and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness;
- (c) provide the grounds (including without limitation any factual bases) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion;
- (d) identify any case in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony;
- (e) identify for each such expert any person whom the expert consulted or otherwise communicated with in connection with his expected testimony;
- (f) identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony, and opinions as well as the compensation to be paid for the testimony and opinions;

- (g) identify all documents or things shown to, delivered to, received from, relied upon, or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions; and
- (h) identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

ANSWER:

INTERROGATORY NO. 8

Set forth every instance within the last three years in which you have communicated a complaint, grievance, problem or concern to or about a provider of telecommunications, cable, TV, internet or utilities services (or a person employed thereby or related thereto) or to an association, entity, or government agency, body, employee, or representative, including, but not limited to, via letter, e-mail, phone call, or in person. For each such instance:

- (a) identify the person(s) or entity to whom the communication was addressed,
- (b) identify the person(s) or entity about whom the communication was made;
- (c) set forth the date of each such communication;
- (d) set forth the nature and bases of your complaint(s), grievance(s), problem(s), and concern(s);
- (e) set forth and state the response(s) you received;

- (f) set forth and state any findings or action that the complained to entity or person made or took; and,
- (g) Set forth and state the extent of your satisfaction or dissatisfaction which the response(s) given, finding(s) made, and action(s) taken.

ANSWER:

INTERROGATORY NO. 9

Set forth every instance in which you have communicated a concern, grievance, or complaint to CenturyTel about a service provided to you by CenturyTel in which CenturyTel has **not** provided you a satisfactory response and, where needed, appropriate action. For each such instance:

- (a) set forth the nature of your concern, grievance, or complaint;
- (e) set forth the date, time, and place of each instance;
- (c) set forth the method(s) by which you communicated your concern, grievance, or complaint;
- (d) identify to where and to whom you communicated your concern, grievance, or complaint;
- (e) identify any witnesses to each instance;
- (f) explain how CenturyTel's response was not satisfactory and describe how any actions taken by CenturyTel, were not appropriate or sufficient;
- (g) Produce any documents or evidence that exists to support, refute or corroborate your responses.

ANSWER:

INTERROGATORY NO. 10

Set forth all times within the last ten years when you have been a Wire Watch subscriber.

ANSWER:

INTERROGATORY NO. 11

In the last paragraph of the first page of your Petition (the letter to Mr. Waddell dated January 13, 2002) you claim to have contacted "26 or so telecommunications companies" about various matters related to your Petition. Identify each and every "telecommunications company" to which you were referring. For each such "telecommunications company" contacted:

- (a) set forth when you contacted them;
- (b) set forth how you communicated with them (letter , e-mail, telephone, etc.)
- (c) Identify all persons with whom you communicated;
- (d) produce any and all documents and evidence of such communications which can corroborate your responses.

ANSWER:

INTERROGATORY NO. 12

State whether you are physically challenged, disabled, sick, injured, or elderly. If you are physically challenged, disabled, sick, injured, or elderly, set forth the facts evidencing such condition(s) and produce supporting documentation.

ANSWER:

INTERROGATORY NO. 13

If your response to any Request to Admit in Part II (below) is not an unconditional admission, state all facts and circumstances that provide the basis for your response.

ANSWER:

II. REQUESTS FOR ADMISSIONS

Individually admit or deny each of the following statements (see Part I, Paragraph 11 above for instructions on how to respond):

- (1) Michael Van Wies sought employment with CenturyTel.

RESPONSE:

- (2) CenturyTel declined to offer employment to Michael Van Wies.

RESPONSE:

- (3) After CenturyTel declined to hire Michael Van Wies, he began repeatedly complaining about CenturyTel services.

RESPONSE:

- (4) Michael Van Wies has communicated that his motive in bringing this Petition is to inflict costs on CenturyTel, or words to that effect.

RESPONSE:

- (5) Michael Van Wies has communicated that if CenturyTel is unwilling to hire him, CenturyTel will regret it, or words to that effect.

RESPONSE:

- (6) Michael Van Wies has communicated complaints against other companies that have declined to hire him.

RESPONSE:

- (7) Michael Van Wies has, within the last 18 months, complained of problems with Comcast Cable Modem service.

RESPONSE:

- (8) Michael Van Wies has claimed to represent one or more persons in the past without their knowledge or consent.

RESPONSE:

- (9) Michael Van Wies does not intend to pursue in this proceeding the claims set forth in Paragraphs 3, 4, 5, 7 and 8 of CenturyTel's Motion to Dismiss.

RESPONSE:

(10) Michael Van Wies does not intend to pursue in this proceeding the claims set forth in Paragraphs 1 and 2 of CenturyTel's Motion to Dismiss.

RESPONSE:

(9) Michael Van Wies does not intend to pursue in this proceeding the claims set forth in Paragraph 6 of CenturyTel's Motion to Dismiss.

RESPONSE:

III. Request For Production

Petitioner is hereby called upon to produce copies of all documents and other evidence to counsel for CenturyTel as requested in the sections above, and as follows:

- (1) Copies of any and all documents referred to or relied upon in answering CenturyTel's discovery requests.
- (2) All documents and other items of evidence requested in Interrogatories 1, 3(c), 9(g), and 11(d).
- (3) All records, logs, notes, memos, audio or video tapes, reports, letters, photographs, files and documents of any kind pertaining to the Petitioners contact or communications with CenturyTel, including communications or contact related to Petitioner's attempts to gain employment with CenturyTel.

- (4) Any and all reports, records, audio or video recordings, files, letters, photographs or photographic records memorandums, or any other documents or thing, concerning any investigations made by the Petitioner regarding or related to CenturyTel.
- (5) All material provided to, reviewed by or produced by any expert or consultant retained by Petitioner to testify or to provide information from which another expert will testify concerning this case.
- (6) All work papers of any of Petitioner's proposed experts, including but not limited to file notes, chart notes, tests, test results, interview and/or consult notes and all other file documentation that any of Petitioner's expert witnesses in any way used, created, generated or consulted by any of Petitioner's expert witnesses in connection with the evaluation, conclusions and opinion in the captioned matter.
- (7) A copy of all trade articles, journals, treatises and publications of any kind in any way utilized or relied upon by any of Petitioner's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.
- (8) A copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of Petitioner's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

- (9) A copy of all articles, journals, books or speeches written by or co-written by Petitioner or any of Petitioner's expert witnesses, whether published or not.
- (10) Any and all documentation, items, reports, data, communications, and evidence of any kind that the Petitioner intends to offer as evidence at the hearing or to refer to in any way at the hearing.

Respectfully submitted,



R. Dale Grimes (#6223)

Ross I. Booher (#19304)

BASS, BERRY & SIMS PLC

AmSouth Center

315 Deaderick Street, Suite 2700

Nashville, TN 37238-3001

(615) 742-6200

*Counsel for CenturyTel of Ooltewah-
Collegedale, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request for Discovery from CenturyTel to Michael Van Wies has been served via both Federal Express and United States mail, postage prepaid, on this the 24th day of May, 2002, upon the following:

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627.

